

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT:	Apps et al.	ART UNIT:	3637
SERIAL NO.:	09/439,427	EXAMINER:	Jose Chen
FILED:	11/15/1999		
FOR:	PLASTIC PALLET		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY BRIEF

Appellant files this Reply Brief in response to the Examiner's Answer mailed September 16, 2009.

REPLY TO EXAMINER'S ARGUMENT

The Examiner has mischaracterized Appellant's arguments and the Declaration of William P. Apps. Rather than Appellant repeating it entirely here, the Board is urged to read Mr. Apps' declaration. However, to summarize, there is a discernible difference between a polymer surface that has been "mechanically scuffed" (as claimed) and a polymer with a molded-in "knurled or roughened surface" (as in the Wyler reference). Further, to the extent that there may be some ambiguity in the description of "knurled or roughened" in the Wyler reference, this is resolved by the fact that the reinforcing bars of Wyler are fiberglass reinforced plastic. It would

be undesirable to “mechanically scuff” fiberglass reinforced plastic because that would expose and damage the fiberglass fibers. Therefore, the “knurled or roughened” surface of Wyler must be molded-in, which as noted is discernible from “mechanically scuffing.”

CLOSING

For the reasons set forth above, the final rejection of all claims is improper and should be reversed.

Respectfully submitted,

/John E. Carlson/

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Dated: November 16, 2009